

IP 97-2038-C T/G Willis v Anderson Comm. School
Judge John D. Tinder

Signed on 01/29/98

NOT INTENDED FOR PUBLICATION IN PRINT

JAMES RANDALL WILLIS II, by his)
next friend and father, JAMES)
RANDALL WILLIS,)
))
Plaintiff,)
))
vs.) IP 97-2038-C-T/G
))
ANDERSON COMMUNITY SCHOOL)
CORPORATION,)
))
Defendant.)

On January 28, 1998, the court made its Entry Denying Verified Motion for Preliminary Injunction. The court held therein that Mr. Willis had not shown a likelihood of success on the merits of his claim that the search conducted under the School Corporation's drug testing policy is unreasonable under all the circumstances or in violation of Indiana law.

Earlier today, the parties filed a Stipulation of the Parties as to the Evidence and Argument and Request to Enter Judgment, in which they stipulate that all relevant facts have been presented and that all legal arguments have been made in this matter, and, they request the court to enter final judgment on the merits on the basis of the record presently before it. Therefore, the court now orders that the trial of this action on the merits be advanced. See FED. R. CIV. P. 65(a)(2); see *also* FED. R. CIV. P 57. On the basis of the findings of fact and conclusions of law stated in the Entry Denying Verified

Motion for Preliminary Injunction, the court holds that the search of Mr. Willis conducted by the School Corporation pursuant to its drug testing policy is reasonable under all the circumstances, and, therefore, does not violate Mr. Willis' rights under the Fourth Amendment, applicable to the states by the Fourteenth Amendment. Accordingly, the court finds in favor of Defendant Anderson School Corporation and against Plaintiff, James Randall Willis, II, on the merits of his claim under 42 U.S.C. § 1983, and **DISMISSES WITH PREJUDICE** this claim.

At the outset of this case, the court had original jurisdiction pursuant to 28 U.S.C. § 1331, thus giving the court, by authority of 28 U.S.C. § 1367(a), supplemental jurisdiction over Mr. Willis' state law claims. However, with this Entry, original jurisdiction is now lacking and Mr. Willis' supplemental claims against the Anderson Community School Corporation may be properly dismissed pursuant to 28 U.S.C. § 1367(c)(3). Accordingly, the court chooses to exercise its discretion under 28 U.S.C. § 1367(c)(3), and hereby **DISMISSES WITHOUT PREJUDICE** Mr. Willis' state law claims against Anderson Community School Corporation. Mr. Willis should note that he has up to thirty days from the date of this order during which they may re-file in the appropriate state forum. 28 U.S.C. § 1367(d). A judgment will be entered consistent with the terms of this entry.

ALL OF WHICH IS ORDERED this 29th day of January 1998.

John Daniel Tinder, Judge

United States District Court

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